

OAKLAND CITY COUNCIL

[Signature]
OFFICE OF THE CITY ATTORNEY
OAKLAND

ORDINANCE No. 12697 C.M.S.

2005 JUN 15 PM 2: 28

ORDINANCE ADDING CHAPTER 10.17 TO THE OAKLAND MUNICIPAL CODE REQUIRING SELLERS OF MOTORIZED SCOOTERS AND MOTORIZED "POCKET BIKES" TO ADVISE CONSUMERS OF STATE AND LOCAL LAWS REGULATING THE OPERATION OF THE DEVICES WITHIN THE CITY OF OAKLAND

WHEREAS, the noisy, unsafe, and illegal operation of motorized scooters in the City of Oakland has increased significantly since the vehicles were first introduced in 1999; and

WHEREAS, in 2001 the Consumer Product Safety Commission reported a 200% increase in injuries associated with motorized scooters; and

WHEREAS, the California Vehicle Code (CVC) defines a pocket bike as "any mini-motorcycle or other two-wheeled device as defined in Section 405 (gas powered)" and Section 406 (electric powered) "and a motorized scooter as any two-wheeled device as defined in Section 407.5;" and

WHEREAS, the California Vehicle Code (CVC) permits the City of Oakland to establish additional regulations regarding the operation of motorized scooters and motorized pocket bikes; and

WHEREAS, the best efforts of the City to educate the public and business community of their responsibilities regarding the safe and legal operation of and modification to motorized scooters/pocket bikes have not yielded significant improvements in their operation; and

WHEREAS, despite Police Department efforts to enforce existing laws related to the safe and legal operation of motorized scooters/pocket bikes the problem continues to be an issue in Oakland neighborhoods; and

WHEREAS, the City believes it is important that consumers of motorized scooters and motorized pocket bikes be made aware of the established laws regulating the safe and legal operation of these motor vehicles; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1.

Chapter 10.17 is hereby added to the Oakland Municipal Code as follows:

10.17.010 Definitions.

As used in this chapter, the following definitions shall apply:

- A. **RETAIL OWNER.** Any person conducting, carrying on or managing any business consisting of selling at retail, among other items, any motorized pocket bike or motorized scooter, whether new or used.
- B. **BUYER.** Any person buying, purchasing, or receiving any motorized pocket bike or motorized scooter, whether new or used.
- C. **POCKET BIKE.** Any mini-motorcycle or other two-wheeled device as defined in Section 405 (gas powered) and Section 406 (electric powered) of the California Vehicle Code.
- D. **MOTORIZED SCOOTER.** Any two-wheeled device as defined in section 407.5 of the California Vehicle Code.

10.17.020 Regulations Governing Pocket Bikes and Motorized Scooters.

- A. In general, motorized scooters may only drive on city streets where the posted speed limit is 25 MPH, in the Class II bike lane where one is provided, and only when the driver has a valid driver’s license or instruction permit.
- B. Retail owners shall provide to each buyer upon sale of a motorized pocket bike or motorized scooter as defined in this Chapter a copy of this Chapter, along with a copy of the following sections of the California Vehicle Code:

1. California Vehicle Code § 405	Motor-driven Cycle
2. California Vehicle Code § 406	Motorized Bicycle or Moped
2. California Vehicle Code § 407.5	Motorized Scooter
3. California Vehicle Code § 4000(a)	Unregistered Vehicle
4. California Vehicle Code § 12500(a)	Unlicensed Driver
5. California Vehicle Code § 16028(a)	No Proof of Insurance

6. California Vehicle Code § 21209(a)	Motor Vehicle in Bike Lane
7. California Vehicle Code § 21221	Applicability of Provisions
8. California Vehicle Code § 21223	Visibility
9. California Vehicle Code § 21228	Rules of the Road
10. California Vehicle Code § 21229	Bicycle Lanes
11. California Vehicle Code § 21230	Bicycle Paths, Trails, or Bikeways
12. California Vehicle Code § 21235	Operation Restrictions
13. California Vehicle Code § 21663	Driving on a Sidewalk
14. California Vehicle Code § 24002	Vehicle Not Property Equipped
15. California Vehicle Code § 24400	Headlight Required
16. California Vehicle Code § 24600a)	Tail Lamps - One Required
17. California Vehicle Code § 24603(a)	Stop Lamp Required
18. California Vehicle Code § 27465(B)	Bald Tires
19. California Vehicle Code § 27803	DOT Approved Helmet Not Worn

- C. Retailers shall provide the above information printed in not less than 12-point Times Roman font that contains no other information other than the above enumerated sections and their text from the California Vehicle Code. Translated versions of the information shall also be made available in Spanish and Cantonese. All information shall be translated and printed at the retailer's expense.
- D. All information provided by the retail owner shall include a signed acknowledgment by the retail owner and the buyer that such information has been received. The retail owner must retain such acknowledgments for a period of thirty-six (36) months.
- E. The City of Oakland shall have a right to inspect, during normal business hours, copies of the acknowledgements required in section D.

10.17.030 Violations as infraction.

Any person or business violating any provision of this Chapter is guilty of an infraction and may be punished as set forth in Chapter 1.28 of this code.

SECTION 2.

If any section, paragraph, sentence, clause, phrase, or word in this ordinance is ruled unconstitutional or unenforceable by any court with proper jurisdiction to make said order, that order shall have no effect on the remaining provisions of this ordinance. The City Council hereby finds that it would have enacted this ordinance without said section, paragraph, sentence, clause, phrase, or word.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 20 2005, 20

PASSED BY THE FOLLOWING VOTE:

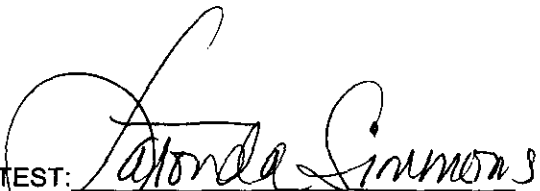
AYES- ~~BRUNNER~~, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE **-7**

NOES- \emptyset

ABSENT- **BROOKS-1**

ABSTENTION- \emptyset

INTRODUCTION DATE: July 19, 2005

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
Council of the City of Oakland, California

RUC

NOTICE & DIGEST

ORDINANCE ADDING CHAPTER 10.17 TO THE OAKLAND MUNICIPAL CODE REQUIRING RETAILERS OF MOTORIZED SCOOTERS AND MOTORIZED "POCKET BIKES" TO ADVISE CONSUMERS OF THE STATE AND LOCAL LAWS REGULATING THE OPERATION OF SAID MOTOR VEHICLES IN THE CITY OF OAKLAND

This ordinance adds Chapter 10.17 to the Oakland Municipal Code. This ordinance will require Oakland retail sellers of motorized scooters and motorized "pocket bike" provide the purchaser of such vehicles with a copy of this ordinance and a copy of the various rules and regulations contained in the California Vehicle Code governing operation of the subject vehicles, with a signed acknowledgement of receipt. This ordinance will require the retail seller to maintain a copy of the signed receipt for a period of at least thirty-six (36) months and permit the City to inspect said copies during normal business hours.